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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,881	03/03/2004	Motoyasu Terao	500.43579X00	4742

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EXAMINER

JACKSON JR, JEROME

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: every single page has grammatical errors as stated previously. Applicant has stated that he is sending in a substitute specification without grammatical errors.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5,7,8,10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nishida '469.

Nishida teaches a recording film including Ge and Sb; Te greater than 40 atomic %; and Ti at 20%. The last sentence of the specification teaches electrodes across the phase change material for electrical programming. Claim 1 is anticipated or obvious for other atoms and percentages claimed. Claim 2 is rejected as Nishida teaches Zn and Cd. See the abstract for example. Claim 3 is rejected as either Ge or Sb can be less than 40%. See the abstract. Claim 4 is rejected as Sb can be 25 to 35% (abstract and disclosure). Claim 5 is rejected as the device structure can operate at 140 degrees centigrade and there is no concrete structural recitation claimed which would distinguish over Nishida. The language "adapted to be operable" is basically functional language here and does structurally distinguish the claim over Nishida. Claim 6 is rejected as Zn or Cd can be more than 10%. Claim 7 is rejected as the electrodes and memory

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chalcogenide layer comprise a "multilayer structure" and can transmit 30% or more of light due to its intrinsic structure. Claims 8 and 10 are rejected because the chalcogenide memory embodiment including voltage control ordinarily would be practiced in array format with word lines and data lines as is ordinary in the art. Claim 10 is rejected as Nishida teaches Ge and Sb ranges which overlap and therefore 1:1 is anticipated or at least obvious.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida in view of Parkinson '413.

Parkinson shows a TiN insulating film barrier structure between the memory chalcogenide element and electrode. For the advantages of preventing diffusion it would have been obvious to have practiced a diffusion barrier insulating film with memory element material from Nishida. Claims 7 and 9 are obvious structure.

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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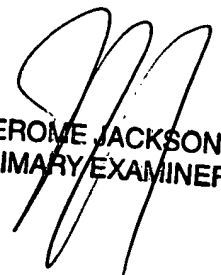
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Jackson Jr. whose telephone number is 571-272-1730. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jj


JEROME JACKSON
PRIMARY EXAMINER